## For the Northern District of California

## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

GREGORY MITCHELL	) No. C 11-03012 EJD (PR)	
Plaintiff, vs.	ORDER GRANTING MOTION FOR RECONSIDERATION; VACATING JUDGMENT AND REOPENING CASE	
RANDY GROUNDS, et al.,	) )	
Defendants.	) ) ) )	

Plaintiff, a state prisoner, filed a <u>pro se</u> civil rights action pursuant to 42 U.S.C. § 1983. On August 11, 2011, the Court dismissed the instant action for failure to pay the filing fee or file an in forma pauperis ("IFP") application. (See Docket No. 3.)

On August 24, 2011, Plaintiff filed a letter asserting that he sent the IFP application to prison officials for processing in a timely manner, and that he should not be penalized for the delay caused by prison officials. (Docket No. 6.) Plaintiff also filed a complete IFP application. (Docket No. 7.) The Court will construe the letter as a motion for reconsideration. Good cause appearing, the motion is GRANTED. Accordingly, the Judgment entered on August 11, 2011, (Docket No. 4) is VACATED. The Court will conduct an initial screening of the complaint in a

1	separate order.	
2	The Clerk shall reopen the file.	
3		
4	DATED: October 12, 2011	Eal Julah
5		EDWARD J. DAVILA United States District Judge
6		
7		

## UNITED STATES DISTRICT COURT FOR THE

## NORTHERN DISTRICT OF CALIFORNIA

GREGORY MITCHELL,		Case Number: CV11-03012 EJD	
P	laintiff,	CERTIFICATE OF SERVICE	
v.			
RANDY GROU	NDS, et al.,		
D	efendants.	/	
	d, hereby certify tha District of California	t I am an employee in the Office of the Clerk, U.S. District	
hereinafter listed	l, by depositing said	, I SERVED a true and correct copy(ies) of the a postage paid envelope addressed to the person(s) envelope in the U.S. Mail, or by placing said copy(ies) into cated in the Clerk's office.	
Gregory Mitchel P. O. Box 689 Soledad, CA 936			
Dated:	10/12/2011	Richard W. Wieking, Clerk	
		/s/ By: Elizabeth Garcia, Deputy Clerk	